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BOOK REVIEWS

*Criminal Law and Its Processes: The Law of Public Order.* BY M. CHERIF
$14.50.

In writing *Criminal Law and Its Processes: The Law of Public Order,*
Professor Bassiouni embarked on a most ambitious project. Although the
book is not completely successful on all levels, it is as important for what
it attempts as it is for what it accomplishes. The author characterizes
his work as "a first attempt at the revision of the classic methodology; it
markedly separates the general part of substantive criminal law from the
specific part."\(^1\) This innovative approach is manifested by a work with
two distinct parts: Part I, entitled *Substantive Criminal Law,* has two some-
what philosophical chapters (*Principles and Theories of Criminal Law and
General Theories of Legal Defenses*) and five more pragmatic chapters
concerning the various criminal offenses and their elements; Part II, en-
titled *The Criminal Process,* is a rather thorough survey of American
criminal procedure, which, due to the Supreme Court's work of the
past few decades, has recently gained some notoriety among laymen as
well as lawyers. More attempts at revising classic methodology should
be forthcoming, for Professor Bassiouni's approach is eminently success-
ful in that respect.

It was intended by Prof. Bassiouni that this book serve two primary
functions: (1) an organized text for students; and (2) a desk manual for
the practicing attorney. Although it is not the ultimate in either of those
respects, the book is a satisfactory first step in developing texts for those
purposes. Most law schools have too long been rigorously bound by the
case-book method. In certain instances such a method is a necessity; in
others it is a travesty. A good instructor can frequently overcome the
restrictions of the case method, but all too frequently "getting through the
cases" is the goal. However, *Criminal Law and Its Processes* offers a new
and very viable method of classroom instruction in criminal law and crimi-
nal procedure. All the elements of most major felonies and misdemean-
or are set forth in this work; also an important cataloguing of all major
legal defenses, both legal and factual, is presented. In the procedural
part of the treatise, there is an excellent overview from arrest through ap-
peal. Of course with our developing body of law there will be a certain
degree of material that will soon be inaccurate, but the basic substance
should have some degree of permanence. One means by which the
student would be able to keep up with subsequent changes in the law
is to have a correlative casebook used in the course. In the field of crimi-

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nal procedure especially, classroom use of Prof. Bassiouni’s work should be supplemented by a case-book. *Criminal Law and Its Processes* cites most of the important cases in the area, and frequently uses extensive quotes, but many of the cases should be read in their entirety for a law student’s proper education. In non-law school curriculums, some of which already utilize this book, case supplementing may be unnecessary, but law school students frequently must be aware of the legal reasoning as well as the substance of the law. As a supplementary reading text to accompany a casebook, it does much to clarify and elucidate the subject matter. Footnoting is streamlined so that the reader will not become confused as to the prevailing principles of law covered in the text. This form of footnoting is particularly destructive of the book’s second purpose, *i.e.*, being a desk manual for the practicing attorney. Although the book might supply the attorney with a proper legal conclusion, when he goes to court the judge requires the case name and citation—which the book does not always supply. Also, the book is too basic for any attorney well-versed in criminal law and procedure. For the novice, or those who rarely indulge in defense of alleged criminals, Prof. Bassiouni provides a good foundation on which to begin. For those who are involved in criminal defense on a more regular basis, *Criminal Law and Its Processes* might provide a reference for a forgotten case, a checklist to be considered, or an interesting theory. It does what it says; it is a “manual.”

Although the encyclopedic nature of the book would ordinarily fore-stall a person from reading through this work for “pleasure” reading, the legal scholar may well do so. Running throughout the book are unique philosophical perspective, invention, prediction, and other intellectual stimulants. The book is not limited to a mere expression of existing law; rather, it is imbued with a somewhat dialectic style. This would appear to be a drawback when used by the novice—but could make the subject matter far more interesting in the hands of a skillful instructor. In either case, one must be wary of being indoctrinated by Prof. Bassiouni’s interesting legal theories.

Adverse criticism in this review is not meant to overshadow the contribution which *Criminal Law and Its Processes* makes to the legal profession. It is a valuable book for both its approach and content. But a balancing of all factors leads this reviewer to recommend enthusiastically the book’s use in law school classrooms.

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